

ORDINANCE NO. 2012-06

Recreating the Civil Service Ordinance for full-time and part-time Deputy Sheriffs, Detectives, Sergeants, Captains and Chief Deputy

THE COUNTY BOARD OF SUPERVISORS OF JEFFERSON COUNTY DOES
HEREBY ORDAIN AS FOLLOWS:

The Civil Service Ordinance (Ordinance No. 2010-21) is hereby repealed and recreated as follows to incorporate the ability to hire external (not currently Jefferson County employees) candidates for the Chief Deputy position:

SECTION 1. PURPOSE. This ordinance is intended to bring qualified persons into county law enforcement work by a system of competitive examinations and to ensure continuity in county law enforcement work by virtue of a permanent appointment as deputy sheriff under a civil service ordinance as set forth in sec. 59.26(8) and Chapter 63, Wisconsin Statutes.

SECTION 2. COMMISSION.

- A. There is hereby established a County Civil Service Commission with the duties, functions and authority set forth in sec. 59.26 and Chapter 63 of the Wisconsin Statutes.
- B. Such Commission shall consist of five (5) members, all of whom shall be legal residents of Jefferson County. Appointments shall be made on the basis of recognized and demonstrated interest in, and knowledge of the problems of civil service. No person holding any elected or appointed public position or office of any sort in Jefferson County government shall be appointed thereon.
- C. The Jefferson County Administrator shall appoint members of the Commission, subject to confirmation by the County Board. The office of a commissioner shall be deemed vacant upon the happening of any of the following events:
 - 1. Death of the incumbent.
 - 2. Resignation of the incumbent in writing.
 - 3. Removal of the incumbent by the County Board.
 - 4. Ceasing to be a resident of Jefferson County.
- D. In the month of December of each year immediately preceding the expiration of the term of office of any such commissioner, the County Administrator shall appoint one member of such Commission to hold office for the term of five (5) years from the first day of January next succeeding the appointment and until a successor is elected and is qualified. Appointment to vacant positions shall be for the remainder of the original term.

- E. Each member of the Commission shall take and file the official oath.
- F. Each member of the Commission shall receive such compensation as the County Board shall determine.
- G. The Commission shall organize and elect a chairperson whose term of office shall be one (1) year and shall elect a secretary whose term of office shall be one (1) year. Such chairperson and secretary shall serve until election of a successor. The secretary shall cause the minutes of the proceedings of the Commission to be preserved in a proper record book.
- H. Nothing herein shall be construed as to affect the appointment or terms of the present commissioners.

SECTION 3. DUTIES OF THE COMMISSION. It shall be the duty of the Commission:

- A. To prepare and publish such rules and regulations to carry out the provisions of this ordinance as may be necessary to secure the best law enforcement service for the County.
- B. To receive applications and conduct examinations of applicants for positions in the Sheriff's Office of Jefferson County with such frequency as may be necessary to maintain an eligibility list sufficient to meet the needs of the Sheriff's Office.

SECTION 4. RECRUITMENT.

- A. The following classifications are created within the Jefferson County Sheriff's Office: Chief Deputy, Captain, Sergeant, Detective, and Deputy Sheriff.
- B. In addition to requirements under Section 6, Promotions, no person shall be eligible to apply for or be appointed to the positions covered by this ordinance after November 1, 2010, unless:
 - 1. The applicant is a citizen of the United States.
 - 2. The applicant has a minimum of sixty (60) college credits or has three (3) years experience as a paid full-time law enforcement officer (civilian or military).
 - 3. Persons employed in the classifications subject to this ordinance shall meet the training standards set by the Department of Justice, Wisconsin Law Enforcement Standards Training Board as a Wisconsin Certified Law Enforcement officer within 12 months of employment.
 - 4. The applicant is at least eighteen (18) years of age.
 - 5. There is no specific measurement set for height and weight relationships. They shall be in proportion and shall be considered by the medical examiners in determining the applicant's physical fitness for the position. In addition, all new hire Deputy Sheriff applicants shall be required to pass a physical agility test.

6. The applicant shall not have been convicted at any time or any place of a felony, unless the judgment or conviction has been reversed or a complete pardon has been granted.
 7. Visual acuity must be corrected to 20/20.
 8. The applicant must possess a valid Wisconsin driver's license at the time of appointment.
- C. Deputy Sheriff positions. Notice of the date, time and place for conducting written examinations and notice as to the open Deputy Sheriff positions, the necessary qualifications and where applications may be filed shall be published in the County's official newspaper. Such notice shall also be given to schools within this state which confer police science degrees as well as law enforcement websites designed for advertising openings/hiring processes for law enforcement personnel, such as the Department of Justice's WILENET website.
- D. Detective. At least fourteen (14) days prior to the commencement of the examination process, the Sheriff shall post a notice on the bulletin board, which notice shall identify the opening and classification, along with the salary range. Such notice shall contain the names of those persons within the Sheriff's Office eligible to write the examination. Eligible sworn staff intending to participate in the examination process shall so indicate in writing by placing their signatures next to their names on the eligibility list.
- E. Supervisory positions of Sergeant and Captain. At least fourteen (14) days prior to the commencement of the examination process, the Sheriff shall post a notice on the bulletin board, which notice shall identify the supervisory and/or administrative opening and classification, along with the salary range. Such notice shall contain the names of those persons within the Sheriff's Office eligible to write the examination. Eligible sworn staff intending to participate in the examination process shall so indicate in writing by placing their signatures next to their names on the eligibility list.
- F. Chief Deputy Position – In addition to meeting the posting requirements for other Supervisory positions, at least thirty (30) days prior to the commencement of the examination process, the Sheriff shall publish a notice of the Chief Deputy vacancy containing the required qualifications for the position in the county's official newspaper, other state and regional newspapers, as well as law enforcement websites designed for advertising openings/hiring processes for law enforcement personnel.
- G. All candidates for full-time positions in the classifications of Chief Deputy, Captain, Sergeant, Detective, and Deputy Sheriff shall file a written application with the Jefferson County Human Resources Department upon forms designated. Vacancies in classifications other than those set forth hereinabove shall be filled pursuant to the Jefferson County Personnel Ordinance and shall not be covered by this ordinance.

- H. Jefferson County is an Equal Opportunity Employer. No person employed by the Jefferson County Sheriff's Office, nor any person seeking admission thereto, shall be discriminated against contrary to the provisions of Ch. 111, Wisconsin Statutes.

SECTION 5. EXAMINATION.

- A. The Commission shall conduct competitive written and oral examinations. The Commission shall establish passing grades for each phase of examination prior to each phase thereof.
- B. The first stage of the testing procedure will be a written examination, administered and proctored by the Commission or its designee. The test used shall be the current test certified for use by the Commission or its designee. The tests used must be validated and job-related.
- C. The Sheriff's Office shall, upon request of the Commission, conduct a background investigation to determine the character and reputation of applicants. This will be done by the Sheriff's Office Detective Bureau for new hire applicants.
- D. The Commission may refuse to examine a candidate or, after examination, to certify a candidate as eligible who (1) is found to lack any of the established requirements for the position for which that person has applied, or (2) has intentionally made a false statement in any material fact, or (3) is addicted to the habitual use of intoxicating beverages, narcotics or dangerous drugs, or (4) has ever been convicted of a felony without a full pardon, or (5) any other sufficient fact which, because of business necessity, would be a detriment to holding the position of Deputy Sheriff.
- E. The Commission shall establish a certified eligibility list of candidates who meet the prerequisites of the position, and who have scored a passing grade on the written and oral examinations. The Commission may invite representatives of other law enforcement agencies to participate in the oral interview process. Invitees' scores will be given to the Civil Service Commission for discussion and consideration in accordance with the Commission's rules. Invited law enforcement guests are neutral third parties chosen by their respective departments to participate in the process at the request of the Jefferson County Civil Service Commission. Invitees should be individuals that by rank or assignment have a level of expertise that is beneficial in the final scoring process.
- F. Placement on the certified eligibility list for initial appointment shall be by overall score, weighing the scores on the written and oral examinations, 40 percent each, with the remaining 20 percent taken from the applicants file information. For promotional factor weights, see Section 6 (B)(1). Preference points shall be given to veterans of any wars of the United States as provided by sec. 63.08(1)(f) and 230.16 (7), Wisconsin Statutes.
- G. Every candidate on the eligibility list must, prior to appointment, submit to and pass a psychological, physical and drug test to be conducted by such physician or physicians

as may be designated by the Commission. Such physician shall submit a statement that the applicant is of sound health and has the physical ability to perform the duties, with or without reasonable accommodation, of the position to which he seeks appointment. Cost of such examination shall be borne by Jefferson County. The Commission may also implement a physical agility test for prospective new hires.

- H. The Sheriff, in his or her discretion, may employ an assessment center process as an additional tool for evaluation of the top candidates for both new and promotional positions as certified by the Commission.

SECTION 6. PROMOTIONS. Promotions and divisional reassignment shall be made according to this ordinance:

A. Promotion Eligibility. Those eligible for promotion shall be limited as follows:

1. Chief Deputy. To take the examination for the position of Chief Deputy, the candidate must have not less than ten (10) years of service with a Sheriff's Office, and not less than five (5) years supervisory experience therein. The candidate must have a Bachelor's degree or the equivalency of 120 college credits. The Sheriff's Office shall, upon request of the Commission, conduct a background investigation to determine the character and reputation of applicants. By the direction and decision of the Sheriff, the background investigation will be completed by a representative of the Human Resources Department, an outside consultant, another law enforcement agency or a combination thereof.
2. Captain. To take the examination for promotion to Captain, the candidate must have not less than seven (7) years of service with the Sheriff's Office and not less than three (3) years supervisory experience therein.
3. Sergeant. To take the examination for promotion to Sergeant, a candidate must have not less than six (6) years of service with the Sheriff's Office. [Ord. No. 2014-22, 10-14-14]
4. Detective. To take the examination for promotion to Detective, the candidate must have not less than three and one-half (3-1/2) years of service with the Sheriff's Office.

B. Education – Experience Credit.

1. An Associate's degree from an accredited college/university shall be deemed the equivalent of six (6) months of service.
2. A Bachelor's degree from an accredited college/university shall be deemed the equivalent of 18 months (1-1/2 years) of service.
3. These equivalents may be used for a successful promotion to a position enumerated in Section 6 (A)(1-4). Only one equivalent may be used on a one time basis only.

C. Written Examinations.

1. The process to consider a Sergeant for assignment to a different division or for the promotions to the positions of Chief Deputy, Captain, Sergeant and Detective will be scored as follows: The written test and the oral test shall be given thirty (30) percent weight each. Twenty (20) percent of the final grade shall be based on the job evaluations and other material contained within the employee's personnel file, and another twenty (20) percent of the final score shall be from the "Applicant Profile Questionnaire."
2. Written examinations for the position of Sergeant will be specific for the patrol, detective, support services, and jail divisions. If an individual already holding the rank of Sergeant desires to be eligible for a Sergeant's position in another division, that Sergeant must take the written examination for the Sergeant's vacancy in that division. The number of applicants advancing from the written test to the Civil Service Commission interview is unlimited, as long as a passing score has been received.
3. Written test scores will be valid for a period of 6 months. Test scores kept on file during this time period are division specific (patrol, detective, support services and jail). If a Sergeant's position becomes available in another division, an existing Sergeant must take the written test for that specific division.
4. Written test scores and the scored "Applicant Profile Questionnaire" will not be available to the Commission prior to oral interviews. The Commission shall notify applicants of their respective scores by mail.

SECTION 7. APPOINTMENTS.

- A. Whenever a vacancy is to be filled, the Sheriff shall make appointments to the position from the list of applicants who are certified as eligible by the Commission. The Commission shall certify to the Sheriff the names of all persons with the three highest scores on the eligibility list, from which the Sheriff shall make his selection. If more than one vacancy is to be filled, the Commission may certify the names of all persons at the next highest score if the Commission concludes that the three highest scores do not provide a sufficiently large field of eligible candidates.
- B. Appointments by the Sheriff shall be made within twenty (20) days after receipt of the certified list from the Commission.
- C. Deputy Sheriffs appointed according to the provisions of this ordinance shall hold office on good behavior and shall not be dismissed from such office or demoted or suspended except as provided in this ordinance.
- D. All full-time Deputy Sheriffs whose classifications are covered by this ordinance are granted civil service status which shall continue without further examination or

appointment, except examination will be required when said Deputy Sheriff seeks a position which constitutes a promotion to a higher classification.

- E. The number of full-time Deputy Sheriffs in the classification covered by this ordinance shall be determined annually by the Jefferson County Board.
- F. Appointments made pursuant to this ordinance shall be probationary for a period of eighteen (18) months and may be terminated by the Sheriff and the Commission acting jointly at any time during such probationary period. [Ord. No. 2014-03, 04-15-2014]

SECTION 8. DISCIPLINARY PROVISIONS.

- A. Any member of the Jefferson County Sheriff's Office covered by this ordinance may be suspended, demoted or discharged in accordance with sec. 59.26(8)(b) Wisconsin Statutes.
- B. The grievance committee required by sec. 59.26(8)(b), Wis. Stats. shall consist of the members of the Human Resources Committee of the Jefferson County Board.

SECTION 9. GENERAL PROVISIONS.

- A. No person holding the position of Deputy Sheriff under this ordinance shall, during the hours when he is on duty, engage in any form of political activity calculated to favor or improve the chances of any political party or any person seeking or attempting to hold political office, nor shall he engage in or appear at any political activity, gathering or profit-making function while off duty and in uniform. This provision is not intended to abridge or interfere with the rights of deputies to engage in political activities during off duty hours, but rather is designed to avoid the appearance of the support of the Jefferson County Sheriff's Office for any political candidate, position or cause.
- B. In the event a Deputy Sheriff is elected Jefferson County Sheriff, his appointment as a Deputy Sheriff shall terminate upon his executing and filing the official bond and official oath as Sheriff, unless prior thereto, he requests in writing from the Commission a leave of absence during his term of office as Sheriff. If such leave of absence is granted, such deputy shall be reinstated in the classification of Deputy Sheriff upon his completion of his duties as Sheriff.
- C. Policies, rules, regulations and duties of the personnel in the Department shall be established by the Sheriff and incorporated in the Department's policy manual.
- D. The Sheriff shall prepare Department rules for the general administration and efficient operation of the Department. Such rules shall be known as the "Department Rules", and Deputy Sheriffs shall be required to conduct themselves in accordance with such rules. Failure so to do shall be cause for discipline.
- E. The rights of a Deputy Sheriff in military service of the United States government shall be governed by applicable federal and state laws.

F. Pursuant to sec. 59.26(8)(d), Wisconsin Statutes, the County Board has the power to repeal this ordinance at any time by a vote of three-fourths of the members elect.

SECTION 10. SEVERABILITY. The provisions of this ordinance are severable and provisions or sections which may hereinafter be declared to be illegal or unconstitutional shall be declared repealed and the remainder shall not be affected thereby.

SECTION 11. All other ordinances in conflict with this ordinance are hereby repealed.

SECTION 12. The pay range previously applicable to the position of Lieutenant shall be applicable to the position of Captain.

SECTION 13. EFFECTIVE DATE. This ordinance shall be effective after passage and publication as provided by law.

Adopted: 06-12-2012

Last amended: 04-15-14; 10-14-14